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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,131	07/14/2003	James D. Pylant	067810/0303879 PI-017	4487
7590 11/29/2004			EXAMINER	
PILLSBURY WINTHROP LLP			BUI, LUAN KIM	
2550 Hanover Street			ART UNIT	
Palo Alto, CA 94304			PAPER NUMBER	
			3728	

DATE MAILED: 11/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

03

<b>Office Action Summary</b>	<b>Application No.</b> 10/623,131	<b>Applicant(s)</b> PYLANT ET AL.	
	<b>Examiner</b> Luan K Bui	<b>Art Unit</b> 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-21 is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/28/03 &amp; 11/15/04</u> . | 6) <input type="checkbox"/> Other: _____  |

Applicants' "traverse" of the requirement for election of species is noted. Asserting that "Applicants believe the requirement to elect a specific species is in error for two reasons. First, examining the two embodiments together would not pose a significant search burden on the Examiner. Second, all claims are generic to both embodiments." Applicants request the requirement be withdrawn. The request is denied because the inventions are independent and distinct from each other and because examination of each invention will necessitate disparate searches which would clearly pose a burden as clearly shown by the examiner in the requirement and also for example the limitation as recited in claim 4, "each column is integrally formed with the wall", is not generic to the embodiment of Figures 3-5.

The requirement is still deemed proper and is therefore made **FINAL**.

#### ***Specification***

1. The disclosure is objected to because of the following informalities: on page 1, Applicants are required to update the current status of the related U.S. Patent Application in the background of the invention. Appropriate correction is required.

#### ***Drawings***

2. The drawings are objected to because the sectional views A-A and B-B in Figures should be designated by Arabic or Roman numerals corresponding to the view number of the sectional view (MPEP 608.02(h)(3)). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, the phrase “to restrict equally lateral movement of each of the wafer elements within the wafer storage chamber” define the storage container in reference to the stack of wafer elements which are undefined and have not been positively claimed rendering the claims vague and indefinite because it is not clear what structural limitations applicant intends to encompass with such language.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Heard (4,475,652). Heard discloses a storage container (10, 12) comprising a storage chamber having a base (24) and a wall (28) extending from the base and a plurality of columns (22) disposed within the storage chamber and each column having a surface with a line of contact (Figure 1). The storage container of Heard is inherently capable for storing a stack of wafer elements.

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7. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Kosugi et al. (4,776,462; hereinafter Kosugi'462). Kosugi'462 discloses a storage container (2, 3) comprising a storage chamber having a base (2) and a plurality of columns (4, 5) disposed within the storage chamber and each column having a surface with a line of contact (Figure 1). The storage container of Kosugi'462 is inherently capable for storing a stack of wafer elements.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over The Related Prior Art of Figures 1 and 2 (hereinafter The Related Prior Art) in view of Heard (4,475,652). The Related Prior Art discloses a wafer storage container apparatus having all the limitations of the claims except for a plurality of columns being disposed within the wafer storage chamber. Heard discloses a storage container (10, 12) comprising a storage chamber having a base (24) and a wall (28) extending from the base and a plurality of columns (22) disposed within the storage chamber and each column having a surface with a line of contact (Figure 1). It would have been obvious to one having ordinary skill in the art in view of Heard to modify the storage container apparatus of The Related Prior Art so the container apparatus includes a plurality of columns disposed within the wafer storage chamber for better protecting the wafers and also to prevent the wafers from being damaged.

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*Allowable Subject Matter*

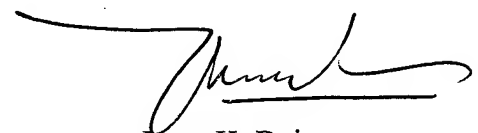
10. Claims 10-21 are allowed.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (571) 272-4552. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to TC 3700 Customer Service at (703) 306-5648.

Any inquiry of a general nature or relating to the status of this application should be directed to the Customer Service whose telephone number is (703) 306-5648. Facsimile correspondence for this application should be sent to (703) 872-9306 for Formal papers and After Final communications.

lkb  
November 21, 2004



Luan K. Bui  
Primary Examiner